

REMARKS

Claims 1-46 were pending in the present application. Claim 45 is amended. The amendments to claim 45 are fully supported by the disclosure on pages 98-277 of the specification and do not raise any issue of new matter. Therefore, entry of the present Amendment is respectfully requested. Upon entry of the present Amendment, claims 1-46 will be under examination.

Applicants hereby elect, with traverse, 2-[(5-(Acetylamino)-6-[4-(acetylamino)-2-(trifluoromethyl)phenyl]-1,2-benzisoxazol-3-yl}carbonyl)amino]-5-cyanobenzoic acid in example 6.75 on page 157 of the specification for examination on the merits. Applicants respectfully point out that claims 1, 6, 7, 10, 45 and 46 read on 2-[(5-(Acetylamino)-6-[4-(acetylamino)-2-(trifluoromethyl)phenyl]-1,2-benzisoxazol-3-yl}carbonyl)amino]-5-cyanobenzoic acid.

Applicants respectfully urge that the aforesaid Species Election Requirement is improper if the Examiner does not continue to examine other species when she finds that the elected species is allowable, as the M.P.E.P. §803.02 requires that "should no prior art be found that anticipates or renders obvious the elected species, the search of the Markush-type claim will be extended."

Moreover, it constitutes an undue burden to applicants to limit the examination to the elected species. If followed, the present Species Election Requirement would require applicants to file numerous applications directed to various specific compound. The cost of prosecuting and maintaining these applications, and any patents which may issue therein, is unreasonable in view of the fact that the application will contain only 46 claims.

In view of the foregoing, applicants respectfully request that the Examiner continue to examine other species if the claims reading on 2-[(5-(Acetylamino)-6-[4-(acetylamino)-2-(trifluoromethyl)phenyl]-1,2-benzisoxazol-3-yl}carbonyl)amino]-5-cyanobenzoic acid are found allowable.

It is believed that no fee is required for submitting the present Amendment.
However, if any fees are required, the examiner is authorized to charge such fees to our
Deposit Account No. 16-1445.

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